

# **VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE MEETING MINUTES**

**January 21, 2004**

**Library of Virginia, Richmond**

**Attendance:** All VRRBAC members except Sen. Hawkins, Del. Byron, Del. Hurt, Del. Wright, and Lee Eddy. **DEQ:** Greg Anderson and Scott Kudlas; **DCR:** Tim Ott

## **Call to Order:**

Chairman Feild called the meeting to order.

## **Welcome and Recognition of Visitors:**

Chairman Feild welcomed everyone and recognized the visitors and guests including Frederick Fisher, OAG, P. K. Pettus, Jerry Lovelace, Halifax Co., Andrew Smith, Va. Farm Bureau Federation, Wayne Carter, Mecklenberg Co., and Henry Burt, Troutman and Sanders. Ann Austin represented Congressman Virgil Goode at the meeting.

## **October 3, 2003 meeting minutes:**

A motion was made to approve the minutes as written. The motion was seconded and passed.

## **Scott Kudlas, Virginia Department of Environmental Quality; “Summary of the Water Supply Planning TAC Report”**

Scott’s presentation summarized the 2003 report of the Water Supply Planning Technical Advisory Committee (WP-TAC). The group began meeting in April 2003 and met 9 times in 7 months. In addition there were 20 small group meetings. The membership represented widely divergent interests, with the intention of creating the most broad-based consensus possible on issues. Good progress was made on the members understanding each other and how issues impacted competing interests. It was originally thought that the result of the WP-TAC’s work would be draft regulations to propose to the State Water Control Board. However, after a great deal of discussion it was apparent that the group was not ready to commit to moving forward with a set of draft regulations. The WP-TAC does remain committed to completing its work next year. Highlights of the report are presented below. A link to the full report follows:

<http://www.deq.state.va.us/info/pdf/wptacfinal120103.pdf>

- The WP-TAC agreed to a draft set of Local and Regional Water Supply Planning Criteria, Appendix F of the report, with the understanding that there were still many open issues to be discussed in future meetings .
- The WP-TAC generated a Partial Tentative Outline of Issues for State Water Resource Plan, Appendix H of the report.
- There were some additional areas of agreement that are noted below.
  1. Water Supply planning is a necessary activity.
  2. WS planning should be a local driven activity. However, regional approaches should be considered and are encouraged.
  3. The State should provide technical assistance especially in areas where staff is not available for this type of work.
  4. Water Supply Planning should not become an unfunded mandate. The State should be responsible for providing financial assistance.
  5. In order to be effective it was recognized that there are data gaps primarily associated with ground water, but other water resource information on minimum in-stream flows may also be limited. The State needs to take the lead on gathering the data. However, planning efforts should continue while the data is collected.
  6. Riparian rights should not be impacted.

- The WP-TAC feels that a number of key issues must still be discussed prior to finalizing regulatory criteria. There are important policy and guidance “overarching” issues that need to be decided in order for the regulations to have context and so that the regulations can be discussed in a meaningful fashion. These “overarching” issues are listed in Appendix G of the report. At a fundamental level, participants were not comfortable endorsing specific regulatory language without a full understanding of how it would fit into a state plan and the permit process. The WP-TAC also wanted to discuss the State’s roles in planning, conflict management, and project “advocacy”.
- Since it was not anticipated that it would require at least 2 years to complete the WP-TAC work, DEQ is in the process of procuring the same facilitators who worked with the group in year 1. It is hoped that the group will begin meeting again in late February and produce draft regulations and a Preliminary State Plan outline by late fall.
- A comment was made that it seemed that the WP-TAC really did not address many policy issues. Scott replied that it was true that the report really did not address policy in any depth. The WP-TAC spent much of the first several months trying to develop a policy umbrella for water supply planning. However, there was very little agreement on these policy issues within the TAC. Regulatory language was not even worked on until very late in the process. There seemed to be hesitancy among the members of the WP-TAC to address policy issues like inter-basin transfers because people believe that is the role of the legislature.
- It was mentioned that several River Basin groups participated in the effort. Scott indicated that there were representatives from the James, Rappahannock, and Roanoke basins. Previous work conducted by the Rappahannock River basin was very valuable to the WP-TAC, especially in the discussions about what should be required in local and regional plans.
- Scott mentioned that DEQ had received approval to request funding of approximately \$500,000 for Water Supply Planning grants to help fund local and regional planning efforts. He encouraged support of this budget item.
- Chairman Feild recognized Robert Conner of VRRBAC for his hard work on the WP-TAC. He further thanked Scott for his work and for the presentation to VRRBAC. He noted the relevance of this topic to VRRBAC and the fact that the group supported the effort

**Frederick Fisher, Office of the Attorney General; “Riparian Rights in Virginia”**

- Riparian rights or the right to use water are attached to land ownership. Riparian rights are real property rights and the owner of land joining streams has the right to use the water that touches the land. A similar right exists for groundwater or the right to use the water underground.
- Riparian rights are protected like other property rights by the injured party able to take legal action. Anybody who has access to the water can use it but if the use is greater than the right than he can be enjoined or prohibited or be required to pay damages. This is the origin of riparian rights, that is common law or one lawsuit after another for centuries.
- There are no municipal or local government rights, which are different than rights attached to land. If they want to use water they must acquire Riparian rights like everyone else. They can condemn rights if needed. Water rights like other rights are subject to Virginia police powers, which grant the right to control, regulate, and permit the use of water in the public interest. Using too much water may constitute a taking, but the taking of what. This is hard to say because there is really not a fixed amount attached to riparian rights.
- Rules of riparian rights:

- A landowner does not own the water. He has the deeded right to use the natural flow that runs by his land for any purpose. However, he can not cause any important change in quality or quantity that could injure others riparian rights. Riparian rights are correlative rights. That is they involve a mutual relationship and one riparian right is equal to another. For example a person may establish a mill and use all the flow in the stream. Another person with riparian rights may also want to put in a mill but the other mills use of the water interferes with his intended use. Someone will have to cut back so that each riparian can have his share of the river.
- Water must be used on the riparian land. The origin is that if you have land next to a stream then you are in a good position to use the stream. However if you take the water out than you may cause damage to downstream users. So your right to use the water is limited to the land that touches the stream. If you sever the property from the stream then it is no longer riparian land and therefore no longer enjoys riparian rights.
- The water must be used in the same watershed as the stream. If a landowner owns a large parcel and part drains to one stream and another portion drains to a second stream than water taken from one stream can not be used in the second streams watershed. A riparian owner may not divert water beyond the limit of his riparian land outside the riparian watershed if he injures the use of another. Any surplus water not used on the riparian land must find its way back to the riparian stream so that it is available to downstream users.
- Since a riparian owner can not divert water from his riparian land there is no right to an inter-basin transfer.
- As real property rights riparian rights can be sold, rented, or lost by prescription. Riparian rights are not certain as to quantity since it depends upon how other riparian owners are using the water. Therefore a buyer may never be sure of the length of time he can use the quantity of water he believes he is purchasing. That makes the marketing of riparian rights difficult. What may be a reasonable quantity to use now may become unreasonable in the future as other riparian owners exercise their rights to use the water. As real property rights riparian rights can be condemned by any entity with the right of eminent domain.
- When dispute occurs between owners some cases say that some uses may be more reasonable than others. Some cases say that domestic and cattle use take preference over other uses. Some old cases indicate that the stream can be exhausted for such uses. If a complaint demonstrates that some riparian use has been damaged the court may restrain unreasonable uses or even assess damages or compensation. If no one complains a person may continue to make non-riparian use as he desires, without a legal right. If he does it for a long enough time than prescriptive rights can be acquired. However these prescriptive rights can be obtained only against the downstream users as notice of the use would have been seen at their property. Upstream users would not have received such notice.
- Some Significant Virginia Cases:

Town of Gordonsville vs. Zinn:

In this case the Town sued Mrs. Zinn to prevent her from taking water above their reservoir. The town had previously entered a contract with a Mr. Cameron concerning the purchase of his land. Mr. Cameron owned a spring and both sides of a stream formed by the spring. The Town bought one acre of property where the spring left the land. The contract granted the Town all water rights except Mr. Cameron's riparian rights above the Towns property. The Town built a reservoir and diverted water through a pipe to the Town for thirty years prior to the suit. After the contract Mr. Cameron bought another 58 acres of land below the reservoir and adjoining the stream. So Mr. Cameron owned above and below the Towns 1 acre. He subsequently died and left the 58 acres to Mrs. Zinn. She ran a pipe above the Town's reservoir to bring water to her property and the Town complained. She then bought a 25-foot strip of land above the reservoir, which went around the Towns reservoir and connected to her land. The court ruled that her new purchase did not give her

the right to use the water because those water rights applied only to Cameron's remaining property immediately after the contract with the Town. That is the rights did not extend down to her property below the reservoir. The court considered significant the fact that there were two tracts involved but did not rule on that aspect. Rather the reality of the water being removed from the watershed was the prevailing issue. Furthermore her right for her 58 acres had been lost by prescription because the Town had been using all the flow of water for 30 years. Therefore, she had no natural water rights to attach to.

Town of Purcellville vs. Potts:

Potts owned land with a stream running through it. The Town purchased land above his farm and dammed up the 2 tributaries forming Pott's stream. The water was then piped to the Town bypassing the Potts. Potts sued to enjoin the diversion of water from the stream, which was upheld by the court. However, the court granted the injunction but suspended it for 60 days to allow the Town to begin condemnation proceedings if so advisable.

Old Dominion Iron and Nail Company vs. C & O Railroad:

Old Dominion claimed ownership of Belle Island and the riparian rights to the flow of water that went by it without diversion in order to run its mills. It further claimed harm by C & O Railroad's diversion of water to its canal above the island and subsequent returning the water below the island. The court held that C&O Railroad was a grantee of the Commonwealth and not just a riparian owner and that it was too late to challenge the grant. There were numerous statutes, recorded contracts, and great works of internal improvements, which demonstrated the Commonwealth, had for 130 years repeatedly asserted its right to the navigable waters of the James and the soil underneath. Therefore, the Commonwealth had through the years exercised its superior right to control and dispose of the same at its discretion. If the grant had been challenged earlier, it may have stood a better chance. However, Old Dominion would likely have been required to prove damages.

- Mr. Fisher then related his talk to the presentation of Scott Kudlas. What does it mean for Riparian Rights not to be impacted. A riparian has the right to have the stream continually flow as it always did. This could almost be called an aesthetic right. A lot of people like to look at the stream. If you are using this right it is a very important right. If you are withdrawing water for a specific purpose and this right is effected, there is normally a grandfather provision put in. If there is not a grandfather clause and the right is impacted then it would likely be a compensable action. But suppose you are not using the water. Then you say I have the right to use the water if I ever choose to do so. This is very difficult to deal with. How do you quantify that?
- Riparian rights do not allow the inter-basin transfer of water. Public Service Authorities are all doing these and may put the water back into several watersheds. So far no one is challenging these. Evidently the amount of water diverted is not causing enough damage to bring a suit.
- In regards to the role of States adjudicating water problems with inter-state waters, Mr. Fisher had worked with Fairfax Co. on the Potomac River flow project. During this project the problem of getting permits from MD was identified. If this transpired for a long enough period of time it might be possible for VA to lose rights granted in the Compact of 1785. The legislature considered the issue but chose not to act at that time. About 5 years ago Fairfax Co. wanted to move the pipe to the middle of the river and MD objected. MD viewpoint was that the pipe was fine where it was. If the water was dirty it was Fairfax Co.'s fault. Fairfax attempted to get a permit from MD but was denied. The OAG was asked to file a lawsuit. The suit was filed in Supreme Court and Virginia prevailed in December 2003. The OAG argued under the Compact rights but also Federal Common law or riparian rights. Common law says that each state has equal rights to the interstate river and it should be satisfied as best it can. Just because you own the upper part of the water does not mean you can use it all up without leaving some for the downstream users. Likewise downstream users can not appropriate all the water and not allow the upper reach users a supply.

- **Question: How did MD end up with the entire Potomac River?**

Several different kings made several different grants including one to MD for the entire Potomac River. This was litigated in 1900. There was also an arbitration agreement in the 1870's. The outcome is that the MD grant prevailed over the others. So VA rights are those from the Compact of 1785 and the 1870's Arbitration Agreement.

- **Question: Was the Oyster dispute a part of this somehow?**

Yes. A problem with this settlement is that the 1878 line that was drawn was not a straight line and this is a good fishing area. A comment was made that Virginia law granted dredging while MD's did not.

- **Question: If there was a dispute between VA and NC about the Dan River that could not be resolved in the Bi-State Commission would it be in the jurisdiction of the Supreme Court?**

Yes, it would be decided using Federal common law.

- **Question: Did the Supreme Court become involved in the Va. Beach Pipeline litigation?**

No. There was not a dispute between the States.

- **Question: In Clarksville there is a possibility that water from a Clarksville intake could be piped out of the basin to NC area. In riparian law is there a difference between transferring the water completely out of a basin and just out of the watershed?**

Under riparian law there is no right because it is out of the watershed.

- Dialogue ensued concerning a Federal dam project backing water up in 2 States and the applicability of State law to the project. The Supremacy Clause grants the powers to the Federal Agency that Congress intended. These powers supercede State law. It is Mr. Fisher's guess that when Kerr was built they did not define whom got the water but rather left it up to the States. It was asked that if VA was to be impacted would the resulting litigation be at the State or Federal level? Mr. Fisher indicated that there would likely be a permit requirement and State law would need to be complied with. Apparently there are general and nationwide permits required but really do not give adequate purview under State law. Mr. Fisher suggested that the ACOE would insist on knowing the amount of the withdrawals but they do not consider State Law. However if you have a claim under State law it can probably be advanced. There was a great deal of litigation concerning the Va. Beach pipeline. There is the potential for more with the other populated areas eyeing the Roanoke Basin as a source of water. Mr. Fisher stated that hopefully this is an issue that can be resolved at the Bi-State Commission level in a manner beneficial to both States.
- **Question: What would be the likely interpretation of riparian law in the situation where a small stream originates on property # 1 but is not used, a fish pond is downstream on property #2 using the water, and an active irrigation pond is downstream on property # 3, and then property # 1 owner decides to make use of the water.**

Property owner # 1 would have the right to make a reasonable use of the water.

- **Question: In the situation where a large tree falls across a stream, blocks and alters the natural channel causing loss of land, what can the landowner do? Remove the tree and change the channel back to its previous state?**

I would remove the tree and get direction from the permitting authority regarding moving the channel.

- **Question: What if the stream is the deeded property line?**

This gets interesting, as there are two principles of law involved here, erosion/accretion and evulsion. Evulsion is defined here as when the stream suddenly changes course. Erosion and accretion changes the property line whereas evulsion does not.

- **In the case of the Occaneechi Indians land being flooded by Bugs Island Lake waters, can the Indians now say that their law precedes British common law?**

The law started over again when the English came and claimed the land for the king. The king determined who got what and the Indians got what he gave them. Basically the English settled the land and gave title. I am not sure that the Indians even had the concept of title. There is the concept of aboriginal title and the Commonwealth owns 2 reservations as trustee for the Indians. I don't believe there is a reservation for the Occaneechi Indians. My guess is when the land was purchased for the lake, those who had title to the land were paid for it. If the Indians had title then they were paid.

- **In the case of the Mattaponi tribe and the reservoir in Newport News where water may back up to their lands, do they have any say as to what happens?**

They have certainly been quite active. I am not sure if their claim is riparian rights but rather they are claiming not only the reservation but also greater fishing rights would be impacted. Evidently they believe that there will be detriment to shad spawning. There is an order of precedence for riparian rights. For instance domestic use is generally greater than agriculture use which is greater than other uses.

#### **Sub-committee Reports:**

Chairman Feild indicated that the subcommittees should be instrumental in the development of position papers on relevant issues effecting the basin. He encouraged the subcommittees to begin work on these and to bring experts from throughout the basin to assist in the development. The position papers would then be brought before the entire committee for review and adoption. The representatives to the Bi-State Commission would clearly benefit from well-prepared documents. It is evident from the VRRBAC Annual Report that the Committee members have been informed on many issues. It was also clear that VRRBAC was operating in the manner intended by meeting throughout the basin, receiving input and disseminating information about concerns.

- **Agricultural and Forestry:**

Haywood Hamlet asked Evelyn Janney to report. She indicated that a big concern was water quality impacts and the use of water for agriculture. BMPs are critical and the animals must be kept out of the streams. However funding is not adequate and the legislation must appropriate funds for these purposes. Chairman Feild said he was not sure if NC and VA BMPs coincided with one another. If the subcommittee was to develop a position paper on the implementation of BMPs it would be important for this to be reconciled. There must be an understanding of what those BMPs are and that there is consistency between the two States.

- **River Interests:**

Watt Foster provided a comprehensive document providing information on the Roanoke River Basin including a map, a list of streams, issues, features, a list of impaired streams, a list of pertinent organizations, and a narrative summary. He asked that the members review the document and provide input to the subcommittee.

- **Municipal Interests and Permit Holders:**

Mr. Eddy was not present. Chairman Feild indicated that this sub-committee needed to be meeting and working on position papers for pertinent issues. Mike McEvoy reported a number of issues in the Upper Roanoke Basin region related to permits for stormwater activities. This required educational activities and the Town of Vinton, Roanoke, Roanoke Co. had public meetings for this. Also a supplement was mailed to educate consumers about non-point pollution sources. An open house was held at the Regional Water Pollution Control Plant for the Smith Mt. Lake Association membership. Talked about the plant expansion and gave a tour of the plant. It was an opportunity for the groups to have a better understanding of the issues each other had.

- **Lakes Interest Committee:**

Robert Conner reported on the 3 community meetings held at Lake Gaston, Kerr Reservoir, and the Smith Mt./Leesville Lake area. The purpose of the meetings was to solicit issues of concern from the various Lake communities. A listing of the concerns from Gaston and Kerr was reported in the last minutes and Charles Poindexter passed out a list of the concerns discussed at the Smith Mt./Leesville Lake which are: 1.) Debris Management/Removal at SML and Leesville Lakes, 2.) A perception exists that Leesville Lake is not an important cog in the River system, 3.) Economic viability of the lakes. The drought and low water levels impacted the local economy greatly, 4.) There must be an awareness of the significance of the lakes to the local government tax base and that 'tourist dollars' spent at the lakes fuel the economic engine of the area, 5.) Impacts to the economy due to reports of bad water quality, 6.) There should be a protocol for managing lake water levels, particularly during drought conditions, 7.) Impact of withdrawals from the river system, 8.) There are some very good documents for the committee to place in their library including Charting a Course 1998, WQ Task Force Report, and a compilation of 17 years of data from the WQ management program, 9.) Lack of funding for WQ monitoring at the State level, debris removal, placement and maintenance of navigational aides, controlling privy waste from boats, enforcement of boating laws and exotic invasive species control. There are 20000 boats registered in the area adjacent to SML, 10.) The no dumping laws are not workable as written, 11.) Inter-basin transfers. When these occur there is a corresponding transfer of economic vitality with the water, 12.) Withdrawals on the Dan River part of the basin and their impact on local water supplies and the economy, 13.) Shoreline Management Plan and dock control, 14.) The point was made that the Lynchburg, Roanoke, and other localities market the lake areas. Managing the resource in a responsible manner is truly an economic development issue. This water resource attracts business to the area, 15.) PCB contamination reports. This hurts image of the lake. Once people leave they will not come back, 16.) Septic tank issues around the lake. Apparently study to this point has not demonstrated any impact to water quality at SML. Systems used only in the summer months require more frequent pumping, 17.) Dead cows/deer in lake, 18.) Beaver control, 19.) Wild bird feeding and subsequent contamination issue, and 20.) Breakaway docks.

There was some discussion of these issues.

- AEP does a little debris management and the Counties fund some
- Leesville is becoming much more developed and Cambell County is looking at developing regulations concerning the lake.

- In Franklin County, the 2 of the 7 magisterial districts that are located at SM Lake provide over 54% of the real estate taxes and a little more on personal property taxes. Tourism economy is in the neighborhood of 52-62 million dollars per year.
- Examples of poor water quality included feeding of geese in certain areas and the VDH issuing advisories.
- Little manpower for enforcing no discharge zone regulations.
- AEP put Shoreline Man. Plan into effect but it is not approved by FERC. Franklin County and others have filed to intervene concerning the Shoreline Management plan. A big issue involves docks and the fact that the dock may not transfer with the property. Currently the docks would have to be permitted by AEP. Bob Conner indicated at Gaston that new docks would have to be approved by Old Dominion Power. Any old docks must be inspected and a permit is needed from Old Dominion. Property owner still has ownership. New owner needs a permit and submits it to Old Dominion Power, which forwards it on to the County effected. Currently SM plan set up a little differently. All new docks must be permitted. Existing docks needing repair must get permits from AEP. However when property transfers there is no guarantee that the new owner can maintain or keep the dock. It was commented that a dock then is not considered real property and that AEP owned the lake. There are apparently different legal opinions on this. Charles Poindexter indicated that AEP's position is that it was always their property up to the 800-ft. level and they were now going to exercise that right. At Gaston everything is grandfathered. Everything out there would be inventoried and permitted by Dominion Power. Dominion inspects and has the right to remove the dock and put a lien on your property if it is in a state of disrepair. At SML they are heading in that direction as owners of existing structures will be required in 2 years to provide information to AEP. Another example is that if you live in a subdivision and have 100 feet of frontage than you can build a 15 ft. square dock. However, if you are a single owner and have 1000 feet of frontage you are only allowed 1 dock. It was suggested that the deed might say that there are riparian rights. If water goes to the river channel you may use that land. Charles Poindexter indicated that AEP's position is that yes you have access but that does not mean dock. At Gaston similar problems resulted in different rules dependent upon spacing and other concerns.
- A question was asked about restrictions on cutting and planting. Normal water level is 795 but Power Company has rights up to the 800 feet elevation. This can impact a relatively flat lot tremendously. There can be no tree cutting and only certain species replanted. You can rip-rap only if active erosion is present. Gaston had a similar experience. It seems that the laws set up for natural streams really don't apply to manmade lakes.
- It was suggested that one thing VRRBAC could do is to foster the relationships between upstream constituents and Lake Communities to help control what is coming downstream to the lakes.

Robert indicated that the subcommittee would meet again and develop a draft position paper(s) based on the issues solicited for the full committee to consider.

Chairman Feild spoke of the originally flawed FERC process of breaking the basin up into segments and not recognizing the interrelationships through the basin. It is difficult for other locality citizens to get involved. The process needs to be a comprehensive view of the basin. A comment was made that this goes well beyond FERC, as the same mindset is true with the power companies, ACOE, and local groups. The question was asked why can't the ACOE and FERC communicate. There seems to be a good bit of animosity. A problem seems to be that FERC is not required to report to Congress. They fall under the Federal Powers Act. You can speak to the ACOE but not FERC. It was stated that this Committee has the responsibility to look after the entire basin. We need to develop a consensus viewpoint and take it to the legislature.



**Water:**

There are two issues of importance at present. One is the Water Supply Planning TAC that was talked about today and the other involves Nutrient Criteria. The primary focus is the Chesapeake Bay but there are plans for the non-tidal waters too.

**Philpott Dam and Lake 216 Study**

This study was recently been announced and VRRBAC has been asked to comment. The Committee Chairman and Vice-chairman are on the current contact list for this study. Charles Poindexter provided copies of Franklin and Henry Counties suggestions of improving the operation of the facility. Their comments include better public access and improved recreational opportunities. This is important to the citizens of Western Franklin County where the lake is operated. It was suggested that the ACOE might be looking for partners to help improve opportunities.

**Martin Farber, Legislative Services; "Review of Proposed Legislation Pertinent to the Committee"**

Martin Farber was unable to attend due to his schedule at the General Assembly. Greg Anderson provided a list of bills (or will send links to the bills not copied by the end of the week), copies of the bills, and presented a brief summary of each. The list of bills included the bills whose links are listed below.

There was some discussion of the proposed bills. Relevant comments are as follows. Mrs. Janney asked that the Committee members support SB543 and HB 1212 related to the new Secretariat of Agriculture and Forestry. The agricultural community has long advocated the notion of this bill. It was suggested that the Committee members support having the charge of HB335 to be considered by the Water Supply Planning TAC. The Committee members supported the thought of HB 401 and SB54, which give the locality authority to prohibit the feeding of waterfowl. Likewise the members generally supported the concept HB 1142 and HB 603. The members strongly support a bill that provides funding for VRRBAC activities.

**SENATE BILL LINKS**

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb54>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb109>

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+sb110>

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+SB267>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb322>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb351>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb400>

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<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=sb543>

### HOUSE BILL LINKS

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+hb100>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hj102>

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+hb335>

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+hb401>

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<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=HB603>

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<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb1271>

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<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb1212>

<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+HB1227>

<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hj72>

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<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hj226>

### Other Business:

- Greg Anderson indicated that the planned VRRBAC web-site on the DEQ System would be operational very shortly and he would notify the members when this happened. The site is now functional and the link to the website is <http://www.deq.state.va.us/vrrbac/>
- Greg Anderson reported that an appointment of VRRBAC to the John H. Kerr 216 Sponsors Advisory Committee is now official.
- There is an issue raised by Representative Virgil Goode involving language in the 2003 Annual Report concerning water withdrawals and inter-basin transfers. This item is to be considered on the agenda at the next meeting.

- Chairman Feild broached the subject of developing bylaws concerning the operation of this committee and in particular the rotation of the Chairmanship, perhaps among the current Chairman and the 2 vice-chairman. This idea may be discussed further at a later meeting.
- The non-legislative members of the Committee present today have some concerns about the direction of this Committee. It is believed that the Committee made substantial progress in the last year. However, apparent problem areas exist. The North Carolina counterpart committee has yet to be finalized thereby precluding meetings of the Bi-State Commission. Funding has not yet been provided for activities. There has been the loss of a couple of members and no one has been appointed to take their place. Once a quorum of members was not present at a meeting and there have been other close calls, as some legislative members have difficulty attending due to their busy schedules. The non-legislative members request that the legislative members attend the next meeting to provide further direction to the Committee.

**Future Meetings:**

A motion was made, seconded and passed that the next meeting will be held in Clarksville at 10 a.m. on Monday, April 5<sup>th</sup>, 2004, at the Clarksville Community Center.